

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ALCATEL-LUCENT USA INC.

v.

AMAZON.COM, INC.; ZAPPOS.COM, INC.;
NETFLIX, INC.; OVERSTOCK.COM, INC.;
QVC, INC.; SEARS HOLDING
CORPORATION; SEARS HOLDINGS
MANAGEMENT CORPORATION; SEARS,
ROEBUCK AND CO.; SEARS BRANDS, LLC;
KMAR CORPORATION; KMAR HOLDING
CORPORATION; LANDS' END, INC.;
NEWEGG INC.; MAGNELL ASSOCIATE INC.
d/b/a NEWEGG.COM; and INTUIT INC.

Civil Case No. 6:09-CV-422-LED

JURY DEMANDED

JOINT MOTION FOR DISMISSAL WITH PREJUDICE

Alcatel-Lucent USA Inc. and Amazon.com, Inc. and Zappos.com, Inc., by and through their attorneys of record, hereby move the Court to dismiss with prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the claims and counterclaims between Alcatel-Lucent USA Inc. and Amazon.com, Inc. and Zappos.com, Inc. in the above-captioned matter. Each party is to bear its own attorneys' fees and costs.

Dated: October 13, 2011

Respectfully submitted,

By: /s/ Jan M. Conlin, with permission by
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By: /s/ Thomas M. Melsheimer, with permission by Michael E. Jones

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**ATTORNEYS FOR DEFENDANTS
AMAZON.COM, INC. AND ZAPPOS.COM,
INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on October 13, 2011 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by email and/or fax.

/s/ Michael E. Jones

Michael E. Jones